

AGENDA



**ZONING BOARD OF ADJUSTMENTS AND APPEALS REGULAR MEETING
WEDNESDAY, NOVEMBER 4, 2020, AT 5:30 P.M.
COUNCIL CHAMBERS, CITY HALL BUILDING
100 SOUTH MONROE STREET, EAGLE PASS, MAVERICK COUNTY, TEXAS**

PURSUANT TO SECTION 551.125(b);551.127(b)(g); 551.007 OF THE TEXAS GOVERNMENT CODE AND THE DECLARATION BY GOVERNOR GREG ABBOTT ON MARCH 16, 2020, THIS MEETING OF THE ZONING BOARD OF ADJUSTMENT AND APPEALS OF THE CITY OF EAGLE PASS, TEXAS SHALL BE OPEN AND ACCESSIBLE TO THE PUBLIC VIA THE FOLLOWING FREE-OF-CHARGEVIDEOCONFERENCELINK: <https://www.facebook.com/OfficialCityEaglePassTexas> AN ELECTRONIC COPY OF THE AGENDA PACKET FOR THE REGULAR MEETING OF THE ZONING BOARD OF ADJUSTMENT AND APPEALS IS ALREADY AVAILABLE TO THE PUBLIC AT THE FOLLOWING URL: <https://www.eaglepasstx.us/AgendaCenter>. IN LIGHT OF THE ONGOING NATIONAL EMERGENCY AND URGENT THREAT TO PUBLIC HEALTH CAUSED BY THE COVID-19 PANDEMIC, MEMBERS OF THE PUBLIC ARE ENCOURAGED TO FOLLOW THE RECOMMENDATIONS OF GOVERNMENT LEADERS AND THE CDC REGARDING SOCIAL DISTANCING AND SELF-QUARANTINE.

IF YOU ARE A CITIZEN WISHING TO PARTICIPATE IN CITIZENS COMMUNICATIONS PLEASE CALL ON WEDNESDAY, NOVEMBER 4, 2020 FROM 2:00 P.M. TO 4:30 P.M. AT 830-773-1111 OR SEND EMAIL TO irodriguez@eaglepasstx.us

ESTABLISHMENT OF QUORUM

CITIZENS COMMUNICATIONS

MINUTES

1. Approval of the minutes of the October 7, 2020 meeting.

PUBLIC HEARING(S)

2. Public hearing on a variance request submitted by Norberto Herrera, to reduce the front yard building setback area from 25-feet to 15-feet to allow for the construction of an attached carport, on property located at 2354 Darlene Street; closing of public hearing and possible action.
3. Public hearing on a variance request submitted by Antonio Cantu, to reduce the required front yard building setback area from 25-feet to 0-feet to allow for the construction of a 6-foot fence, on property located at 2213 Del Rio Boulevard; closing of public hearing and possible action.

ADJOURNMENT

Note: The Board reserves the right to consider business out of the posted agenda order and reserves the right to adjourn into executive session to discuss an item(s) not listed as an executive session on the posted agenda but which qualifies to be discussed in closed session pursuant to Texas Government Code Chapter 551.

CERTIFICATION

I, THE UNDERSIGNED PLANNING DIRECTOR, do hereby certify that the agenda mentioned above was posted on the Bulletin Board Located in the Lobby at City Hall, 100 S. Monroe Street, Eagle Pass, Texas, on October 30, 2020 at 1:50 p.m.

Placido C. Madera
Planning Director

Item #1

THE STATE OF TEXAS)
COUNTY OF MAVERICK)
CITY OF EAGLE PASS)

The Zoning Board of Adjustments and Appeals of the City of Eagle Pass held their Regular meeting on Wednesday, October 7, 2020, at 5:30 p.m. in the City Council Chambers of Eagle Pass City Hall, 100 S. Monroe Street. All legal notices were duly posted in accordance with the law.

ESTABLISHMENT OF QUORUM

Present: Chairperson, Eugenio Mireles, Jr.; Vice-Chairperson, Ruben Herrera; Board Members: Jesus Diaz Wever, and Onesimo Elizondo

Absent: Board Member: Jessica Perez

Other staff present: Planning Director, Placido Madera; Assistant Planning Director, Mariebelle Rodriguez; and Records Management Specialist, Ita A. Cortinas

With a quorum being present, Chairperson Mireles called the meeting to order and the Zoning Board of Adjustments and Appeals considered the items as follows.

CITIZENS COMMUNICATIONS

At this moment, anyone wishing to address the Board, on any item, even one not appearing on the agenda, was welcome to speak, keeping in mind that although the Board would be unable to take formal action on such item, they would be glad to take it under consideration.

There were not any citizens communication forms submitted.

MINUTES

1. Approval of the minutes of the minutes of the July 1, 2020 meeting.

Motion: To approve the minutes as presented.
Made: Herrera
Second: Diaz
Ayes: 4
Nays: 0
Absent: Perez

PUBLIC HEARING(S)

2. Public hearing on a variance request submitted by Jose Rodriguez, to reduce the required side yard building setback area from 5-feet to 1-ft and the rear yard building setback area from 5-feet to 16-inches to allow for the construction of a detached palapa, on a property located at 1769 Amanda Lane; closing of public hearing and possible action.

Chairperson Mireles opened the public hearing at 5:40 p.m.

Planning Director, Placido Madera and Assistant Planning Director, Mariebelle Rodriguez provided the Board with details on the variance request and recommend the approval of the applicant's variance request for the reduction of the side yard building setback area from 5-feet to 1-ft and the rear yard building setback area from 5-feet to 16-inches to allow for the conformance of a detached palapa.

Mr. Rodriguez, the applicant, apologized for beginning construction before seeking a variance request, as he was unaware of needing to do so. He stated he hopes this does not affect the variance request and asks that it be approved.

Chairperson Mireles closed the public hearing at 5:55 p.m.

Motion: To approve the variance request, as presented.
Made: Elizondo
Second: Herrera
Ayes: 4
Nays: 0
Absent: Perez

3. Public hearing on a variance request submitted by Terra Tech Engineering and Construction Services, to reduce the required front yard building setback area from 25-feet to 12-feet and the side yard building setback area from 5-feet to 0-feet for compliance of existing homes, on property located at 780 Ave. B; closing of public hearing and possible action.

Chairperson Mireles opened the public hearing at 5:57 p.m.

Mr. Madera provided the Board with details on the variance request and recommends approval.

Terra Tech President, Javier Libson, spoke on behalf of the property owner, Javier Ortiz, stated that the property owner is trying to bring his variance requests up-to-date for projects that have previously been completed on his property.

Chairperson Mireles closed the public hearing at 6:15 p.m.

Motion: To approve the variance request.
Made: Herrera
Second: Elizondo
Ayes: 4
Nays: 0
Absent: Perez

4. Public hearing on a variance request submitted by Cristina Jimenez, to reduce the required front yard building setback area from 25-feet to 17-feet to allow for the construction of an attached carport, on property located at 1012 Spies Dr.; closing of public hearing and possible action.

Chairperson Mireles opened the public hearing at 6:16 p.m.

Ms. Rodriguez provided the Board with details on the variance request and recommends denial of the applicant's variance request of a reduction to the front yard building setback from 25-feet to 17-feet due to concerns of its effect on the neighborhood character.

The property owner, Cristina Jimenez spoke, stating that she already has a driveway and is requesting a cover to cover for her vehicles. She stated she does not see how this construction would affect her neighbors and believes it will raise the value of her house and that of her neighbors.

Mr. Libson spoke in favor of the variance, stating that he does not see a problem with Ms. Jimenez adding a carport to her driveway. He also said that he does not believe there would be an obstruction to visibility, were the carport to be added.

Chairperson Mireles closed the public hearing at 6:32 p.m.

Motion: To approve the variance request.
Made: Elizondo
Second: Diaz
Ayes: 4
Nays: 0
Absent: Perez

ADJOURNMENT

Motion: To adjourn the meeting at 6:34 p.m.
Made: Elizondo
Second: Herrera
Ayes: 4
Nays: 0
Absent: Perez

ATTEST:

Eugenio Mireles, Jr.
Chairperson

Ita A. Cortinas
Records Management Specialist

Item 2



Planning Department

Report to the Zoning Board of Adjustment and Appeals

I. APPLICANT & PROPERTY INFORMATION

Applicant: Norberto Herrera Case #5105
Prop Owner: Omar & Lizeth Hernandez
Location: 2354 Darlene Street
Legal Desc: Lot 11, Block 4, Bass Subdivision Unit 3
MCAD PIN: 9005146
Parcel Size: 6,665-square feet
Existing Use: Residential
Zoning: R-2 (Second One-Family Dwelling District)
Master Plan: Residential
Request: Reduction of front yard building setback area from 25-feet to 15-feet to allow for the construction of an attached carport.

II. CURRENT CONDITIONS

Infrastructure: Property is serviced by public utilities/franchises
Vegetation: Residential landscaping
Vicinity: Property is bordered by residential developments to the north, south, east, and west.

III. STAFF ANALYSIS

Applicant is requesting a front yard setback reduction from 25-feet to 15-feet to allow for the construction of an attached carport measuring approximately 440-square feet on property located at 1012 Spies Drive as shown in Figure 1.



Figure 1. Area Map

The proposed structure measures approximately 375-square feet. This proposed carport required the reduction in setback from 25 feet to 15 feet as shown in the attached Proposed Site Layout. Planning staff is concerned with the disruption of the neighborhood character that comes with this request and that no other property within the immediate vicinity has observed or encroached a front yard.

As required, the public hearing was posted and published in a newspaper with a second class postage, with that Sixteen (1) notices were mailed to the abutting property owners within the 200 feet radius of subject property.

Staff Recommendation

Staff recommends the **DENIAL** of the applicant's variance request of a reduction to the front yard building setback from 25 feet to 17 feet due to concerns over its effects on the neighborhood character.



PLANNING DEPARTMENT

3295 Bob Rogers Drive, Eagle Pass, Texas 78852 • Telephone: (830) 773-7781 • Fax: (830) 773-7803
www.eaglepasstx.us • planning@eaglepasstx.us

VARIANCE APPLICATION (ZBAA)

Case No. 5105

Applicant Information

Name: Norberto Herrera
Mailing Address: 1655 Nelly Mae Glass
Phone: 968-4786 E-mail: robertallied@hotmail.com
Note: if you are not the owner of the property, you must attach a letter from the owner authorizing you to submit this application.

Property Owner Information

Name: Omar & Lizeth Hernandez
Mailing Address: 2354 Darlene Street
Phone: 830-513-6842 E-mail: lizeth_hdz '11@hotmail.com

Property Information

Site Address: 2354 Darlene Street MCAD Property ID # 9005146
Legal Description: Lot(s) 11 Block 4 Subdivision BASS SUBDIVISION UNIT # 3
(Property must be legally subdivided or be lot of record)
Front Yard Width (feet) _____ Rear Yard Width (feet) _____ Side Yard Width (feet) _____

Description of Project:

Construction of an attached carport measuring 1375 feet which will encroach onto the front yard building setback area.

Detailed Explanation of Variance Request

How does the strict application of the zoning code impose practical difficulties or particular hardship for your project?

The code does not allow for us to utilize the property to its full potential.

How is your variance request consistent with the general purpose and intent of the zoning code?

If the variance is granted the construction will comply and conform with all applicable city codes.

How will the granting of the variance not merely serve as a convenience to you, but will alleviate some demonstrable hardship or difficulty so great as to warrant the variance?

The lot is oddly shaped and wish to use the property to its max potential.

Is your variance request necessary because of exceptional narrowness, shallowness, or shape of your property?

Yes

Is your variance necessary because of exceptional topographical conditions or other extraordinary or exceptional situation or condition of your property?

Yes

Will the strict application of the zoning code result in peculiar and exceptional practical difficulties and particular hardship to you, and amount to a practical confiscation of the property and not a mere inconvenience?

Yes

Will the granting of the variance create substantial detriment to the public good?

No

Will your variance impair an adequate supply of light and air to adjacent property?

No

Will your variance materially increase the traffic congestion on public streets?

No

Will your variance increase the public danger of fires and safety?

No

Will your variance materially diminish or impair established property values within the surrounding area?

No

Will your variance impair the public health, safety, comfort, morals and welfare of the City of Eagle Pass?

No

Applicant Authorization

I authorize the City of Eagle Pass to conduct any site visits necessary to evaluate this variance application.

I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the variance request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of variance approval. I agree to provide any additional information requested by the City as they deem necessary for the processing of this application.

Applicant Signature

Date

9-24-2020

Office Use

Date Application Accepted for Review: 9/25/20 By: HK

Contact Date for Supplemental Info: NA Supplemental Info Received: NA

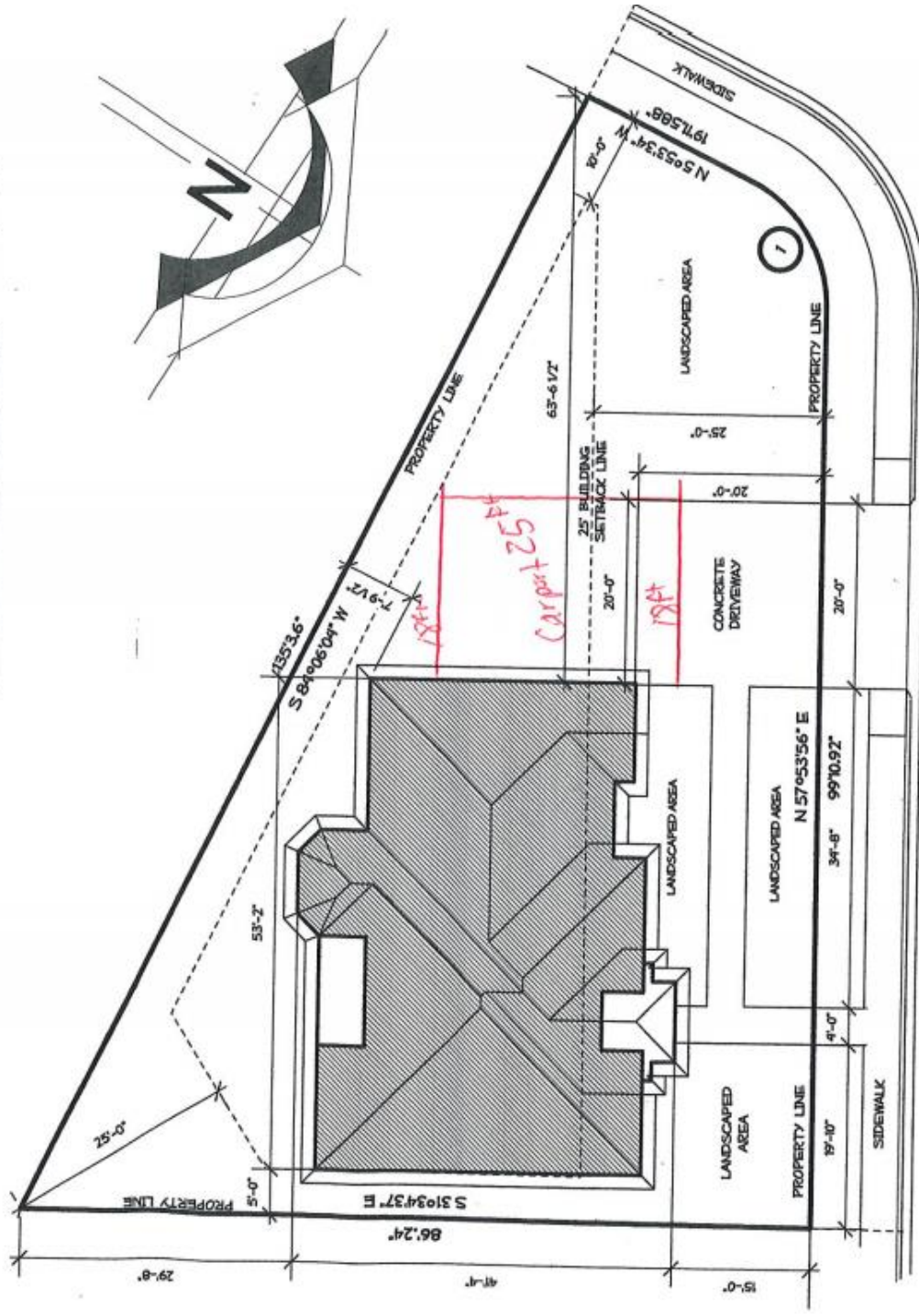
Completeness Review Date: 9/25/20 By: HK

Application Returned to Applicant: NA (when applicable)

Note: Processing fee of \$100.00. Paid cash HK

MR-6/2020

SCALE 1/2"=1'-0"



2354 DARLENES ST.

Plot









FINANCED THROUGH THE
DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
OF THE STATE OF TEXAS

THE PREPARATION OF THIS DOCUMENT
WAS FINANCED THROUGH PROVISIONS
OF A TEXAS COMMUNITY DEVELOPMENT
PROGRAM GRANT FROM U.S. DEPARTMENT
OF HOUSING AND URBAN DEVELOPMENT

THESE MAPS ARE PREPARED WITHOUT WARRANTY OF ANY KIND,
OTHER THAN EXPRESS OR IMPLIED WARRANTIES OF THE EXISTENCE
OF THESE MAPS, INCLUDING BUT NOT LIMITED TO THE ACCURACY,
LOCATION AND DIMENSIONS OF ANY FACILITIES, NEITHER THE CITY
OF EAGLE PASS NOR HEJL, LEE & ASSOCIATES, INC. OR ITS
REPRESENTATIVES SHALL BE LIABLE TO ANY PERSON OR ENTITY
WITH RESPECT TO ANY LIABILITY, LOSS, OR DAMAGE, CAUSED OR
ALLEGED TO BE CAUSED DIRECTLY OR INDIRECTLY BY THESE MAPS.

THIS DRAWING FILED FOR RECORDING
DATE: 12/28/98



FIGURE A.5.3 CITY OF EAGLE PASS, TEXAS FUTURE LAND USE MAP

PREPARED BY:
HEJL, LEE & ASSOCIATES, INC.
CONSULTING ENGINEERS
2207 HANCOCK DRIVE
AUSTIN, TEXAS 78756
(512) 467-9793

EXISTING ZONINGS

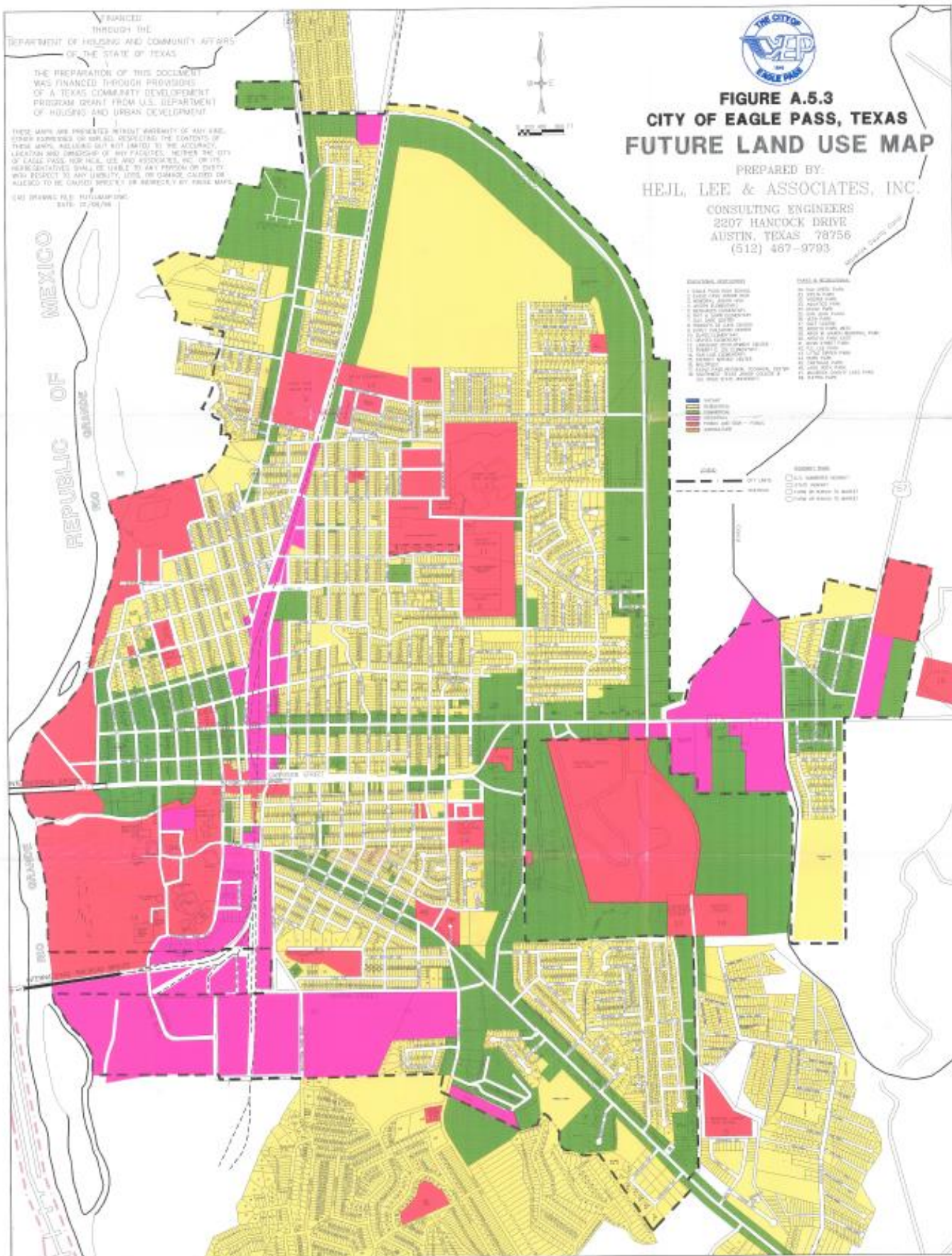
1. Single-Family Residential
2. Single-Family Medium Density
3. Single-Family High Density
4. Medium Density Residential
5. High Density Residential
6. Office
7. Retail
8. Industrial
9. Public
10. Community Center
11. Civic
12. School
13. Cemetery
14. Other

- 15. Other
- 16. Other
- 17. Other
- 18. Other
- 19. Other
- 20. Other
- 21. Other
- 22. Other
- 23. Other
- 24. Other
- 25. Other
- 26. Other
- 27. Other
- 28. Other
- 29. Other
- 30. Other

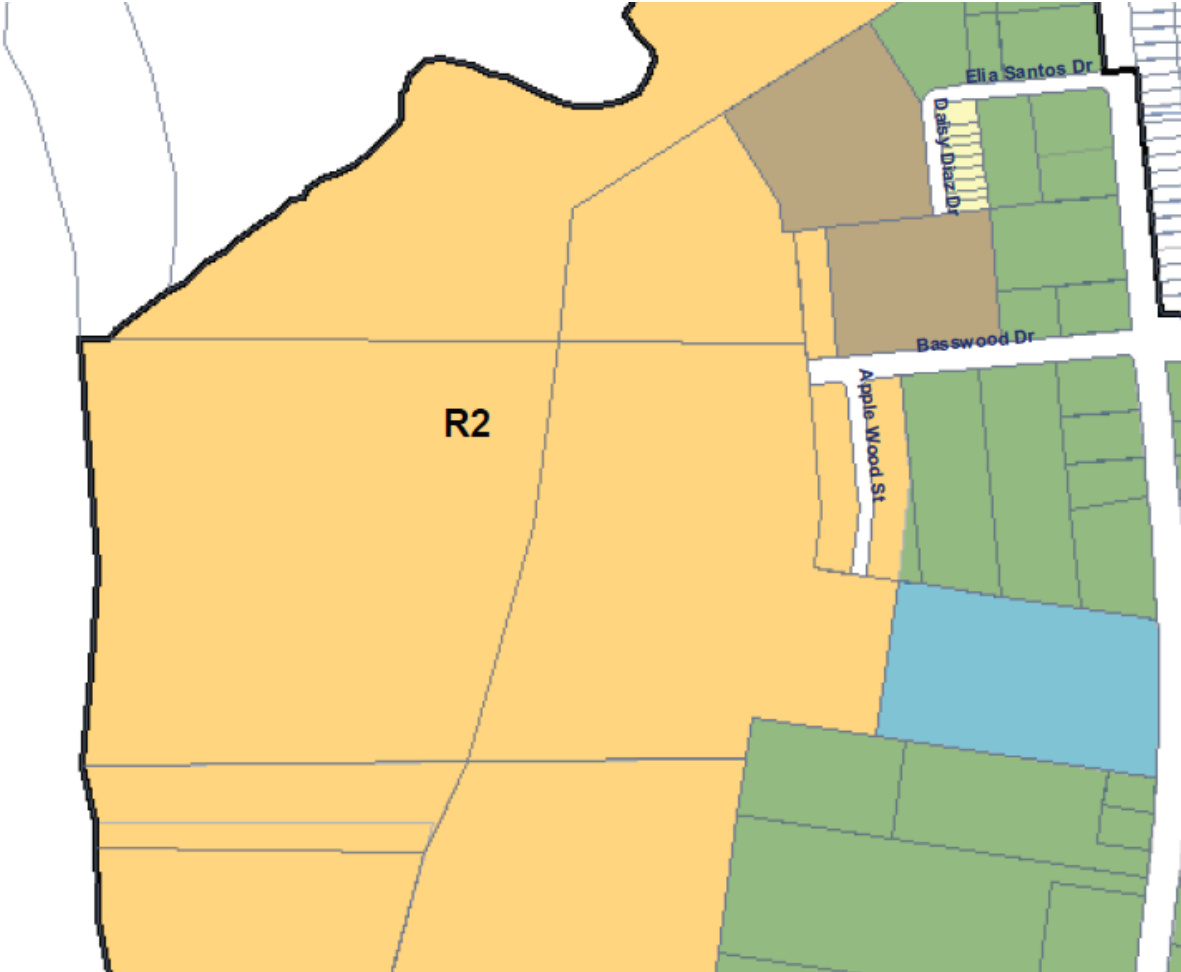
PLANNED ZONINGS

1. Single-Family Residential
2. Single-Family Medium Density
3. Single-Family High Density
4. Medium Density Residential
5. High Density Residential
6. Office
7. Retail
8. Industrial
9. Public
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- 23. Other
- 24. Other
- 25. Other
- 26. Other
- 27. Other
- 28. Other
- 29. Other
- 30. Other



CITY OF EAGLE PASS ZONING MAP



Legend

-  City Limits Outline
-  B1 - Neighborhood Business District (<8,00 Sq. Ft
-  B2 - Central Business District
-  B3 - General Business District (>8,000 Sq. Ft.)
-  I - Industrial District
-  F - Floodway District
-  R1 - First One-Family Dwelling District
-  R2 - Second One-Family Dwelling District
-  R3 - Duplex Dwelling District
-  R3A - Apartment District
-  R4 - Townhouse Residence District

Item 3



Planning Department

Report to the Zoning Board of Adjustment and Appeals

IV. APPLICANT & PROPERTY INFORMATION

Case #5042

Applicant: Antonio Cantu

Location: 2213 Del Rio Boulevard

Legal Desc: Abstract A0077, Casanova, Remigio, Survey #40

MCAD PIN: 2411

Parcel Size: 20,909-square feet

Existing Use: Multi-Family Apartment Complex

Zoning: B-3 General Business District

Master Plan: Commercial

Request: Reduction of the front yard building setback, to allow for the construction of a 6-foot high wooden picket fence.

V. CURRENT CONDITIONS

Infrastructure: Property is serviced by public utilities/franchises

Vegetation: None

Vicinity: Property is bordered by multi-family residential and commercial developments.

VI. STAFF ANALYSIS

Applicant is requesting a front yard building setback reduction, to allow for the construction of a 6-foot picket wooden fence. The subject property is located at Del Rio Boulevard as shown in Figure 1.

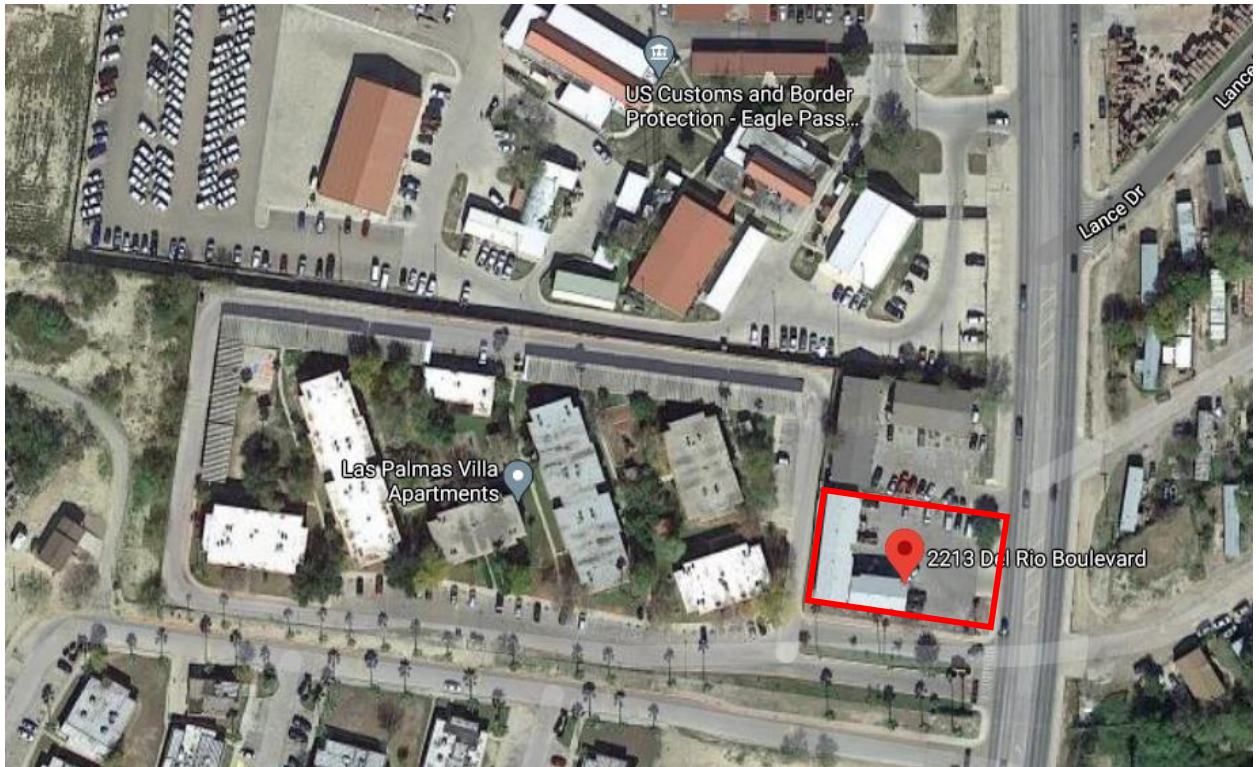


Figure 1. Area Map

The subject structure will be required to comply and conform with all applicable Building Codes. In terms of planning and land use, the variance does cause a detriment to the quality of life of the surrounding areas. At a minimum, a visibility triangle should be in place for the road to the apartments behind as well as the driveway into the property.

As required, the public hearing was posted and published in a newspaper with a second class postage, with that six (6) notices were mailed to the abutting property owners within the 200 feet radius of subject property.

Staff Recommendation

Staff recommends the **Denial** of the applicant's variance request of a reduction to the front yard building setback reduction from 25-feet to 0-feet, to allow for the construction of a 6-foot wooden picket fence, for property located at 2213 Del Rio Boulevard.



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www.eaglepasstx.us • planning@eaglepasstx.us

VARIANCE APPLICATION (ZBAA)

Case No. 5042

Applicant Information	Name: <u>Antonio Cantu</u>
	Mailing Address: <u>1391 Chittum Trail</u>
	Phone: <u>830-968-0758</u> E-mail: <u>antoniocantu57@gmail.com</u>
	Note: if you are not the owner of the property, you must attach a letter from the owner authorizing you to submit this application.

Property Owner Information	Name: <u>same as above</u>
	Mailing Address: <u>SAA</u>
	Phone: <u>SAA</u> E-mail: <u>SAA</u>

Property Information	Site Address: <u>2213 Del Rio Blvd</u> MCAD Property ID # <u>2411</u>
	Legal Description: Lot(s) _____ Block _____ Subdivision <u>Abstract A0077, Casanova, Remigio, Survey #40, .40 acres</u> (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) _____ Rear Yard Width (feet) _____ Side Yard Width (feet) _____

Description of Project:
<u>6-foot high wooden fence built up to the front property line.</u>

Detailed Explanation of Variance Request
How does the strict application of the zoning code impose practical difficulties or particular hardship for your project?
<u>I was not aware that a permit was required.</u>

How is your variance request consistent with the general purpose and intent of the zoning code?
<u>If variance is granted I will be able to comply with city codes.</u>

How will the granting of the variance not merely serve as a convenience to you, but will alleviate some demonstrable hardship or difficulty so great as to warrant the variance?
I am only trying to enhance the property and the area overall.

Is your variance request necessary because of exceptional narrowness, shallowness, or shape of your property?
No

Is your variance necessary because of exceptional topographical conditions or other extraordinary or exceptional situation or condition of your property?
No

Will the strict application of the zoning code result in peculiar and exceptional practical difficulties and particular hardship to you, and amount to a practical confiscation of the property and not a mere inconvenience?
No

Will the granting of the variance create substantial detriment to the public good?
No

Will your variance impair an adequate supply of light and air to adjacent property?
No

Will your variance materially increase the traffic congestion on public streets?
No

Will your variance increase the public danger of fires and safety?

No

Will your variance materially diminish or impair established property values within the surrounding area?

No

Will your variance impair the public health, safety, comfort, morals and welfare of the City of Eagle Pass?

No

Applicant Authorization

I authorize the City of Eagle Pass to conduct any site visits necessary to evaluate this variance application.

I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the variance request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of variance approval. I agree to provide any additional information requested by the City as they deem necessary for the processing of this application.


Applicant Signature

10/13/2020.
Date

Office Use

Date Application Accepted for Review: 10/13/20 By: LW

Contact Date for Supplemental Info: NA Supplemental Info Received: NA

Completeness Review Date: 10/22/20 By: ME

Application Returned to Applicant: NA (when applicable)

Note: Processing fee of \$100.00. Paid w/ check # 1231

MR 8/2020

Photos taken 9/4/2020





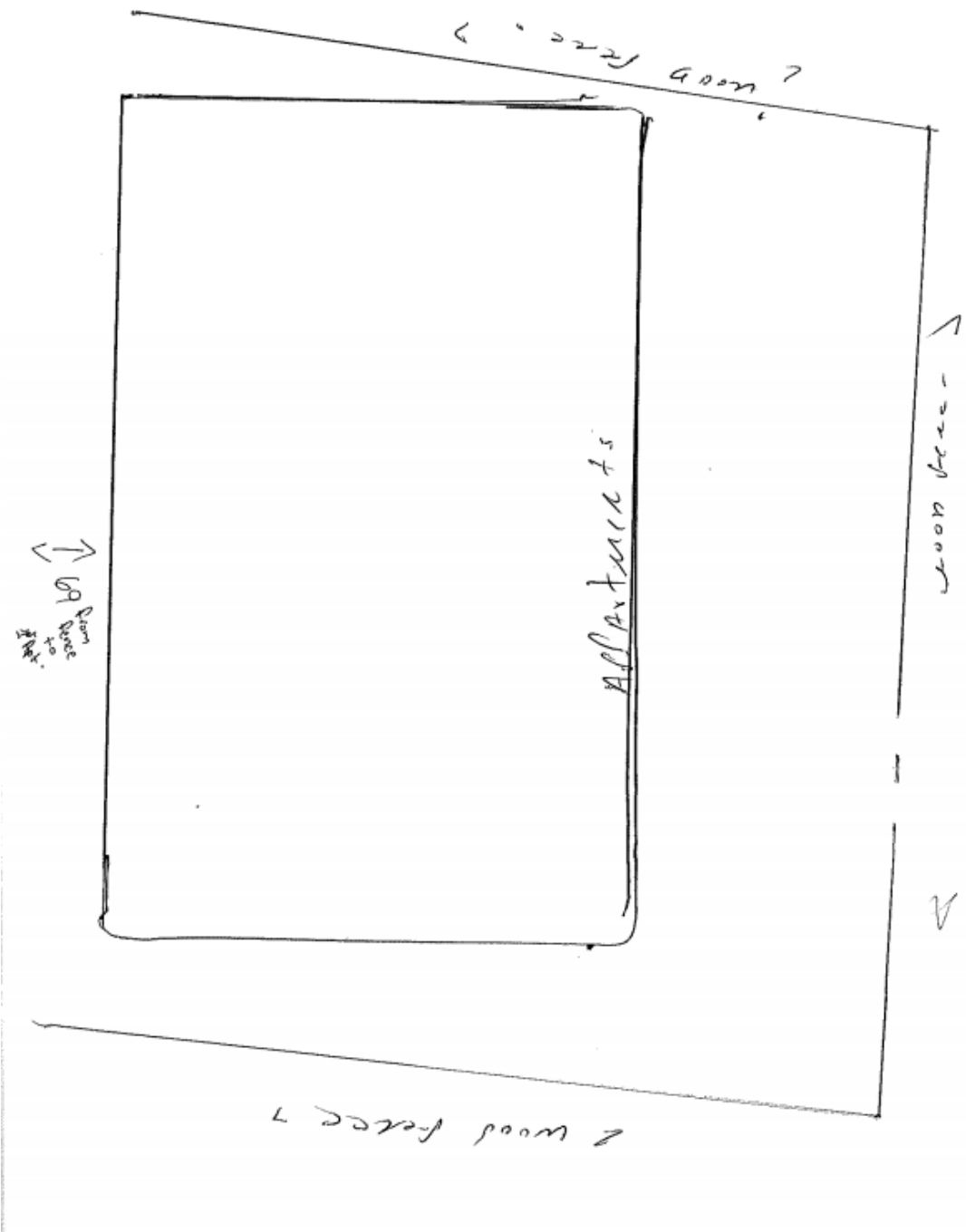




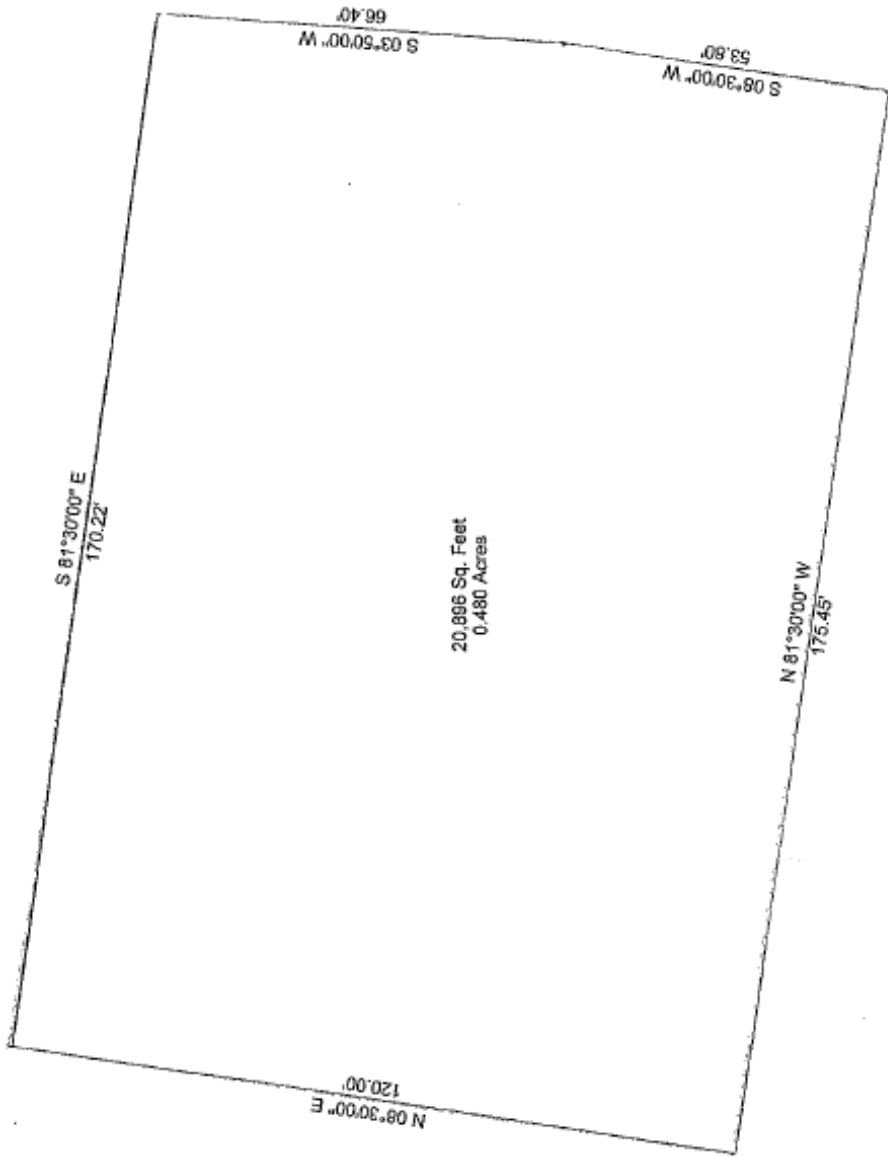
Photos taken 10/28/2020



SITE PLAN



Property Dimensions



Del Rio Blvd

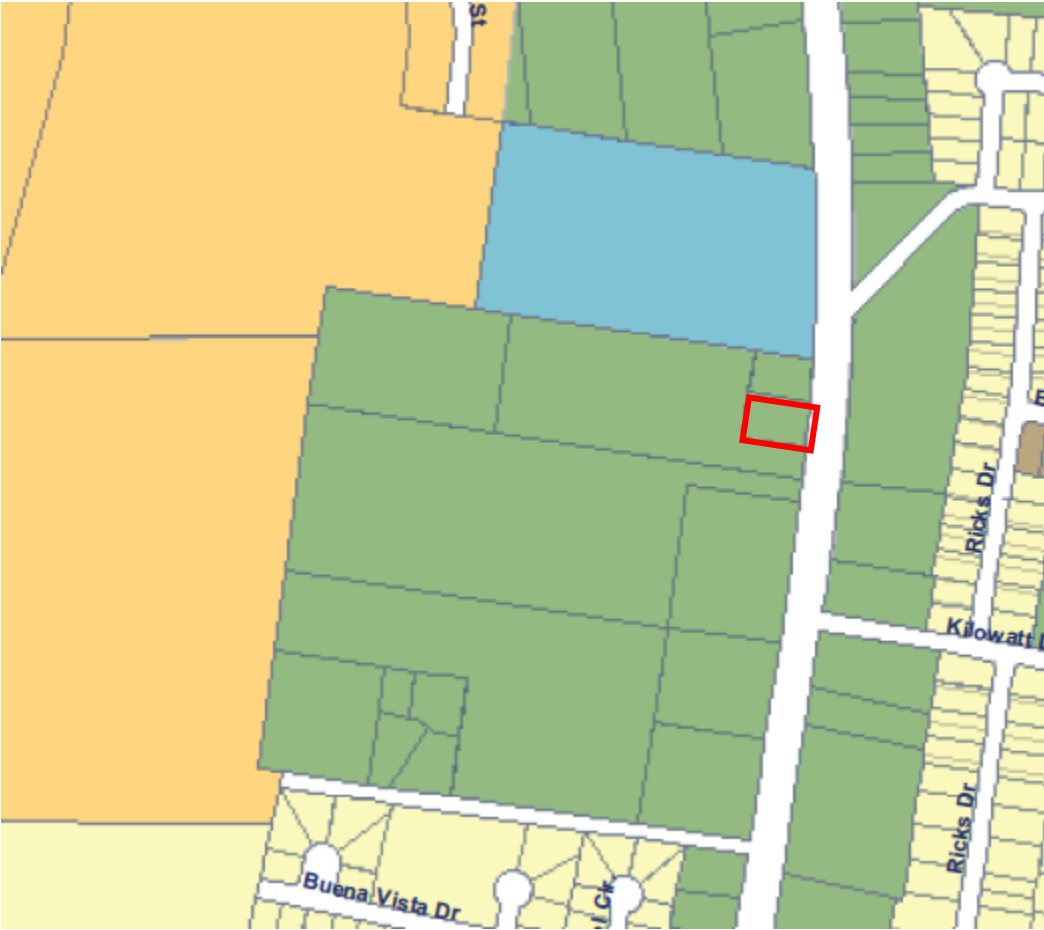
CITY OF EAGLE PASS MASTER PLAN

THE CITY
OR ITS
ENTITY
SED OR
ESE MAPS.



-  VACANT
-  RESIDENTIAL
-  COMMERCIAL
-  INDUSTRIAL
-  PUBLIC AND SEMI — PUBLIC
-  AGRICULTURE

CITY OF EAGLE PASS ZONING MAP



Legend

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-  B1 - Neighborhood Business District (<8,00 Sq. Ft.)
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